



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/938,172	08/23/2001	Kunio Sawai	04995/023001	1621

22511 7590 02/04/2004

ROSENTHAL & OSHA L.L.P.
1221 MCKINNEY AVENUE
SUITE 2800
HOUSTON, TX 77010

EXAMINER

CHEN, TIANJIE

ART UNIT PAPER NUMBER

2652

DATE MAILED: 02/04/2004

5

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/938,172

Applicant(s)

SAWAI, KUNIO

Examiner

Tianjie Chen

Art Unit

2652

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1 and 2 is/are rejected.
- 7) ☒ Claim(s) 3 and 4 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 August 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. ____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

Non-Final Rejection

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Drawings

2. Figures 8-11B should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1 and 2 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nagatsuka (US 6,038,100) in view of Akieda (US 5,907,451).

With regard to claim 1, Nagatsuka shows a magnetic tape device in Figs. 2 and 5 including: a pair of right and left guide plates 20 (Fig. 5); a tape cassette moving table 2 (Column 3, line 67) that is placed to be movable forward and backward between a cassette inserting position and a cassette placing position that are set between the pair of right and left guide plates; a rocking lever 6a pivotally attached to one of the guide plates 20; a guide rod 9a protruding from the moving table 2 which is

Art Unit: 2652

engaged with a recessed groove 8a formed in a tip end portion of the rocking lever 6a; a cam (the downward curved surface on 8a) formed in the recessed groove of the rocking lever; and a driving source (31 etc.) wherein the moving table is slightly pushed-in in a backward motion direction by inserting a tape cassette to the moving table that is on standby at the cassette inserting position, thereby backward swinging the rocking lever, and backward moving the moving table via the guide rod to the cassette placing position; and wherein when the moving table is pushed-in from the cassette inserting position in the backward motion direction, the guide rod is transferred onto the cam to increase a pressing force of the press spring.

Nagatsuka does not show a driving source is activated in response to detection of the pushing; and a press spring engagingly held by the rocking lever and pressed against the guide rod, the guide rod is transferred onto the cam to increase a pressing force of the press spring.

Akieda shows a magnetic tape device, wherein a driving source is activated in response to detection of the pushing (Column 2, lines 6-15); a press spring 21 engagingly held by the rocking lever 9 and pressed against the guide rod 8 (Fig. 5).

It would have been obvious at the time the invention was made to one of ordinary skill in the art to add the driving source and the pressing spring taught by Akieda into Nagatsuka's device. The rationale is as follows: adding Akieda's motor as driving source would upgrade the automation degree of the device, and Akieda also teaches that the pressing spring would prevent the lever from rattling (Column 2, lines 46-48). One of ordinary skill in the art would have been motivated to add the motor as driving source and the pressing spring to upgrade the automation degree and prevent

Art Unit: 2652

rattling. In thus constructed device, when the guide rod is transferred onto the cam the pressing force of the press spring increases.

With regard to claim 2, the above constructed device includes a magnetic tape device in Figs.2 to 5, including: a pair of right and left guide plates 20; a tape cassette moving table 2 that is placed to be movable forward and backward between a cassette inserting position (Fig. 2) and a cassette placing position (Fig. 3) that are set between the pair of right and left guide plates, the moving table being slightly pushed-in in a backward motion direction by inserting a tape cassette to the moving table that is on standby at the cassette inserting position; a driving source activated in response to detection of the pushing, to backward moving the moving table to the cassette placing position; Nagatsuka further shows a return preventing member 18 operating when the moving table is pushed from the cassette inserting position in the backward motion direction, for preventing the moving table from being pushed back in a forward motion direction is disposed (Column 5, lines 13-27).

Allowable Subject Matter

4. Claims 3 and 4 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

5. The following is a statement of reasons for the indication of allowable subject matter:

Art Unit: 2652

- With regard to claim 3, as the closest reference, combination of Nagatsuka (US 6,038,100) and Akieda (US 5,907,451) shows a magnetic tape device including: the above constructed device includes: a pair of right and left guide plates; a tape cassette moving table, a guide rod protrudes from the moving table; a rocking lever pivotally attached to one of the guide plates, a recessed groove formed in a tip end portion of the rocking lever being engaged with the guide rod; a press spring engagingly held by the rocking lever; **but fails to show** a cam engaged with the press spring; wherein the return preventing member is configured by the cam.
- Applicant asserts: "the operations of injecting and ejecting of a tape cassette are allowed to be performed smoothly and surely" (Specification, p. 23, lines 16-18).

Conclusion

6. The prior art made of record In PTO-892 Form and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tianjie Chen whose telephone number is (703) 305-7499. The examiner can normally be reached on 8:00-4:30, Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hoa Nguyen can be reached on (703) 305-9687. The fax phone number for the organization where this application or proceeding is assigned is (703) 746-6037.

Art Unit: 2652

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 306-0377.

Chen Tianjie 01/28/04
Tianjie Chen
Primary Examiner
Art Unit 2652